

REMARKS

This amendment is submitted in response to the Examiner's Action dated April 29, 2005. Applicants have amended the claims to clarify key features of the invention and overcome the claim objections. No new matter has been added, and the amendments place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

OBJECTIONS UNDER 35 U.S.C. §132(a)

In the present Office Action, Examiner objects to Amendment A, filed on March 23, 2005, under 35 U.S.C. §132(a) because the amendment introduces new matter. Applicants have corrected that amendment by removing the material which Examiner stated was new. The claims now recite only features that are supported by the disclosure as originally filed. Applicants respectfully request entry of the present amendments and removal of the objections to the claims.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 112

At paragraph 10 of the Office Action, Claims 1-14 and 19-33 are rejected under 35 U.S.C. § 112, first paragraph, for reciting "an ultimate selection" being forced by the program code. Accordingly, Applicants have amended the claims to remove the features subject to the 112 rejection. The amendments thus overcome the §112 rejection, and Applicants respectfully request reconsideration of the rejection in light of the amendment.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 101

At paragraph 12 of the Office Action, Claims 19-33 are rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Applicants have amended these claims by adding thereto a tangible element, pursuant to Examiner's statement at paragraph 13. The amendments overcome the §101 rejection, and Applicants respectfully request reconsideration of the rejection in light of the amendment.

ALLOWABLE SUBJECT MATTER

At paragraph 20 of the Office Action, Examiner states that Claims 6, 9, 24, and 27 are allowable but rejected as being dependent on Claims 1 and 19 which contain new matter. At paragraph 21, Examiner states that Claims 18 and 38-39 would be allowable but are objected to as being dependent upon a rejected base claim. With respect to the first set of claims, Applicants have removed the new matter from Claims 1 and 19 and has further incorporated allowable subject matter from Claims 6 and 24 into their respective independent claims (Claims 1 and 19). With respect to the second set of claims, Applicants have incorporated allowable subject matter from Claims 18 and 39 into their respective independent claims (Claim 15 and 34).

These amendments, which incorporate allowable material into each independent claim, places the independent claims and all claims dependent thereon (i.e., all claims now pending within the application) in condition for allowance. Applicants respectfully request Examiner remove the conditions on the allowance of the above dependent claims and extend the allowance to include all pending claims.

CLAIMS REJECTIONS UNDER 35 U.S.C. § 102

At paragraph 17 present Office Action, Claims 15-17 and 34-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Nakagawa* (U.S. Patent No. 5,619,696). Examiner further states that other claims would be subject to the rejections once the new matter is canceled from the independent claims. As noted above, Applicant has incorporated allowable subject matter from dependent claims into each independent claim, rendering the present rejection moot and/or the above claims allowable over *Nakagawa*.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to overcome the various objections and rejections. Applicants have further incorporated allowable material into each independent claim. The amendments overcome the various objections and rejections and places the claims in condition for allowance. Applicants, therefore, respectfully request reconsideration of the objections and rejections and issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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